

September 13, 2006

The regular meeting of the Santa Rosa County Building Code Board of Adjustments and Appeals was held September 13, 2006, at 3:00 p.m. in the conference room of the Santa Rosa County Building Inspection Department located at 6051 Old Bagdad Highway, Milton, FL 32583. Board members present were Mr. Danny Holt, Chairman; Mr. Charles "Pete" Southerland, Vice Chairman, Mr. William J. Blackman, Mr. James "Larry" Hall and Mr. Frank Harold.

Building Inspection Department staff in attendance was Mr. Tim Tolbert, Building Official; Mrs. Rhonda Royals, Deputy Building Official; Mr. Skip Tompkins, Compliance Division Superintendent; Mr. Randy Jones, Compliance Investigator; Mr. Bobby Burkett, Compliance Investigator and Mrs. Robyn Leverton, Administrative Assistant I.

Mr. Tom Dannheisser, County Attorney, was present for the meeting.

Mr. Danny Holt, Chairman, called the meeting to order at 3:02 p.m.

A court reporter from Anchor Court Reporting was present for the "Formal Hearing" portion of these minutes.

Approval of Agenda

Mrs. Royals, in order to allow addition time for the court reporter to arrive, amended the agenda by moving the Probable Cause cases up to the forefront. Mr. Southerland made a motion to accept the amended agenda. Mr. Blackman seconded the motion. The motion carried with a unanimous vote.

Approval of Minutes

Mr. Harold made a motion to approve the minutes from the July 12, 2006 meeting. Mr. Southerland seconded the motion. The motion carried with a unanimous vote.

Next Meeting

The next regularly scheduled meeting is Wednesday, October 11, 2006, at 3:00 p.m. in the Building Inspection Department Conference Room.

Old Business (Probable Cause)

Santa Rosa County vs. Jeff Milowitz d/b/a Emerald Coast Construction

Rhonda Royals re-introduced the case and read the charges, "Failure to obtain required inspections and failure to obtain required permits at 2464 Cameron Way and 2763 River Run."

Randy Jones briefed the Board regarding the updates on Emerald Coast's progress since the last meeting. He said that the two specific addresses referenced in the original complaint have been taken care of and are closed cases. During the research for these initial complaints, he uncovered evidence of a consistent pattern of not calling in for inspections. The original research information that the Board received indicated that of the 48 permits pulled, 13 passed. Randy said that he has made some progress and recommends the Board carry it over another 30 days.

A discussion ensued.

Mr. Blackman made a motion to move the case to a formal hearing. Mr. Southerland seconded the motion. The motion carried with a unanimous vote.

New Business (Probable Cause)

Santa Rosa County vs. Richard A Pitman d/b/a R A Pitman Jr. Homebuilders

Rhonda Royals introduced the case and read the charges of failure to call in for required inspections. He has 11 outstanding permits that he has failed to call in for the required inspections. Rhonda also noted that Mr. Pitman is a State Certified residential contractor therefore the actions the Board can take are limited.

Randy Jones presented the case to the Board. Randy stated that there are actually 12 outstanding permits; one was inspected with a subsequent inspection that was turned down. Eleven of the 12 have had no final inspections requested. All permits in question are over a year old; they were issued in August and September of 2005. Randy said that he has spoke with Mr. Pitman twice over the past 45 days. He is in Mississippi working on hurricane repair and his father is the one that is supposed to be hear working on the local issues, but nothing is happening. We have to wait on him because he has to have somebody meet our inspectors at the site to lift the shingles so the inspection can be performed. The shingles will then need to be sealed back up. The notice of this meeting was returned with the return receipt unsigned, so we are unaware if the violator has knowledge of this meeting.

A discussion ensued.

Mr. Blackman made a motion to move the case to a formal hearing. Mr. Southerland seconded the motion. The motion carried with a unanimous vote.

New Business (Probable Cause)

Santa Rosa County vs. Leslie Bugg d/b/a Genes Marine

Rhonda Royals introduced the case and read the charges of construction of a seawall without a building permit or plan review/approvals at 3148 Coquina Way.

Bobby Burkett presented the case to the Board. He stated that when the complaint came in, he tried numerous times to contact the owner of Genes Marine, Leslie Bugg; he has

been unsuccessful. The property owner, Mr. Andrews, is also not having success in getting return calls.

Mr. Southerland made a motion to move the case to a formal hearing. Mr. Blackman seconded the motion. The motion carried with a unanimous vote.

Old Business (Formal Hearing)

AMVETS Post 1292 vs. Robert Chandler Knowles d/b/a Chandler Knowles, Inc.

Rhonda introduced the case and stated that this is a disciplinary hearing regarding Mr. Knowles license #RB0035580.

The charges are as follows:

Alleged Violations of Ordinance 2002-06:

- 1) Section 16, Paragraph 1(e) – Aiding and abetting any uncertified person to evade any provision of this act.
- 2) Section 16, Paragraph 1(f) – Knowingly combining or conspiring with any uncertified person by allowing one's certificate to be used by any uncertified person with the intent to evade the provision of this act. When a certificate holder allows his certificate to be used by one or more companies without having any active participation in the operations, management, or control of such companies, such act constitutes prima facie evidence of an intent to evade the provision of this act.
- 3) Section 16, paragraph 1(h) – Financial mismanagement or misconduct in the practice of contracting that caused financial harm to a customer.

She said that this is regarding a complaint that AMVETS Post 1292 filed regarding a building at 6333 Old Bagdad Hwy., Milton, FL.

Randy was sworn in and gave a brief review of the case.

A discussion ensued.

Michael Paul Cooney, representing AMVETS, reviewed information previously submitted to the Board.

Mr. Robert Chandler Knowles then discussed the case against him. He stated that he hasn't admitted to receiving the \$30,000 and he paid the bills that AMVETS says they paid; he brought cancelled checks along to prove the bills were paid by Chandler Knowles. Mr. Knowles said that as far as Mark Estes goes, he never did any work on the job; he was here on his own without anybody's knowledge. Mr. Knowles didn't receive any info on the job until he got a call from Joe Anderson with the Post asking why nothing was being done.

Mr. Knowles wanted to prove that work was being done and said, "Lee Crestler was going to be a subcontractor to erect the steel building. He was going to be erecting the package with his crew. The Post was not getting the work completed fast enough; they made a deal with Estes saying that they received, whatever the insurance proceeds were, \$130,000 +/- and they wanted a building. At this point there were no plans or specifications."

Chandler said he knew that the first thing needed was a set of plans, he did a set of preliminary plans and wrote up a scope of work and got the AMVETS Post to sign it. A demolition permit was pulled. An asbestos survey was required so he backed off and ordered the survey. He provided (to the Board) a copy of the septic tank permit that he received from the Dept of Health. The active septic had to be relocated; the old septic tank had to be filled in. They also moved the electrical service and had a signed/sealed set of plans to move air conditions.

The Board reviewed the documentation that Mr. Knowles presented.

Chandler said that Chandler Knowles, Inc. received quotes from steel building suppliers where the plans were sent; they were using all this information to put together the total estimate. All these items needed to be handled before construction could start. AMVETS kept asking why they didn't see any activity going on. When the AMVETS saw the estimate at \$253,000 they got nervous and asked what they had to do to get their original \$30,000 back. That was the point at which he was fired.

Mr. Knowles stated, "I was on the job; I was pursuing the work. I had a fistful of lemons, I was making lemonade out of and I was run off the job in November '05. So...I have been accused of not paying any of these bills; I gave you the cancelled checks. I've been accused of not doing any of the work; you can see that I have. I met with planning over here. We got a survey. All of this pre-construction stuff, that normally an owner would have done on their own, I did. It takes time, but they couldn't see it, even though I gave them a copy of the preliminary plans and they pinned them up on the wall inside so all the members could see what was gonna happen."

"At no time, did anyone that was not licensed, work on the job. I can't tell you anymore than what you already know about where the \$30,000 went. I will do anything I can to prove to you that it never went into my pocket."

A discussion ensued.

Mr. Southerland stated that if AMVETS had allowed Chandler Knowles, Inc. the opportunity to continue the work, they wouldn't be out a penny, but since they terminated him, they are out the \$28,000.

Mr. Hall and Mr. Blackman suggested that Mr. Knowles pay back to AMVETS, in cash, the \$30,000 minus the \$2,000 of expenses that were presented in the meeting today.

Mr. Knowles said that he could not pay them today; he said he could provide work, but not money. The Board asked the AMVETS representative, Michael Cooney, if it was possible that Chandler Knowles could continue with that building for them. Mr. Cooney said no. He believes that the AMVETS Board would turn that down.

Mr. Southerland made a motion to give Chandler Knowles 30-days to work with AMVETS and agree to and make a payment for

the money lost the AMVETS. The motion failed due to lack of a second.

The Board voted on the charges against Robert Chandler Knowles

Alleged Violations of Ordinance 2002-06:

1) Section 16, Paragraph 1(e) –Aiding and abetting any uncertified person to evade any provision of this act.

Mr. Hall made a motion of guilty, Mr. Blackman seconded the motion. The motion passed with the majority ruling in favor 3-2 (Hall, Blackman & Harold)

2) Section 16, Paragraph 1(f) – Knowingly combining or conspiring with any uncertified person by allowing one's certificate to be used by any uncertified person with the intent to evade the provision of this act. When a certificate holder allows his certificate to be used by one or more companies without having any active participation in the operations, management, or control of such companies, such act constitutes prima facie evidence of an intent to evade the provision of this act.

Mr. Hall made a motion of guilty, Mr. Blackman seconded the motion. The motion passed with the majority ruling in favor 3-2 (Hall, Blackman & Harold)

3) Section 16, paragraph 1(h) – Financial mismanagement or misconduct in the practice of contracting that caused financial harm to a customer.

Mr. Hall made a motion of guilty, Mr. Blackman seconded the motion. The motion carried with a unanimous vote.

Mr. Hall made a motion that the decision of penalty be postponed for 30-days to give Mr. Knowles and AMVETS an opportunity to come up with a solution. Mr. Blackman seconded the motion. The motion carried with a unanimous vote.

The Board adjourned for a break at 4:50 p.m. and reconvened at 4:58 p.m.

Old Business (Formal Hearing)

Santa Rosa County vs. Crista V Hollenbeck d/b/a Crystal Pools

Rhonda Royals introduced the case and stated that this is a disciplinary formal hearing regarding Crista V Hollenbeck's license #RP0040798. The charges are as follows:

Alleged Violation of the 2004 Florida Building code:

1. Section 109.5 Inspection Requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

Randy briefed the Board on the case stating that Crystal Pools has failed to correct identified code violations and call in for inspections. This information was discovered when a consumer's complaint came into his office. The majority of their complaint was cosmetic in nature and we couldn't address many items, but in trying to resolve those issues, the other open permits (as indicated in your packets) were discovered.

Mr. Hank Hollenbeck, representative for Crystal Pools, explained the circumstances involved with each permit.

Mr. Blackman made a motion to table the case for 30 days to allow further time to get final inspections. Mr. Southerland seconded the motion. The motion carried with a unanimous vote.

Mr. Harold made a motion to adjourn the meeting. Mr. Blackman seconded the motion. The motion carried with a unanimous vote.

The meeting was adjourned at 5:25p.m.